UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

KEVIN LOMAX,

Plaintiff,

v. : No. 2:13-cv-01078

CITY OF PHILADELPHIA; MAYOR NUTTER;

PHILADELPHIA PRISON SYSTEM;

CFCF; CORIZON, INC.; DR. DAVID DAVIS; and:

CFCF MENTAL HEALTH DEPT.,

Defendants.

<u>ORDER</u>

AND NOW, this 29th day of March, 2017, upon consideration of Defendant Corizon, Inc.'s Motion for Summary Judgment, ECF No. 33, and Plaintiff Kevin Lomax's Motion for Summary Judgment, ECF No. 40, and having screened Lomax's claims against the remaining Defendants under 28 U.S.C. § 1915, and for the reasons set forth in the Opinion issued this date,

IT IS ORDERED THAT:

- Corizon's Motion for Summary Judgment, ECF No. 33, is GRANTED, such that
 judgment is ENTERED in favor of Defendant Corizon and in favor of Defendant Dr.
 David Davis and against Plaintiff Lomax;
- 2. Lomax's Motion for Summary Judgment, ECF No. 40, is **DENIED**;
- 3. Lomax's claims against Defendants City of Philadelphia, Mayor Nutter, and the CFCF Mental Health Department are **DISMISSED without prejudice**;
- 4. Lomax is permitted leave to file an amended complaint with respect to his claims against
 Defendants City of Philadelphia, Mayor Nutter, and the CFCF Mental Health Department

no later than **April 28, 2017**. Lomax is advised that if he fails to file an amended complaint, this case will be closed without further notice.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.

United States District Judge